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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

In re Application of
Douglas M. Camens

PEER DISTRIBUTED EMBEDDED
WEB SERVER SYSTEM

Serial No. 09/821,176

Filed: 03/29/2001

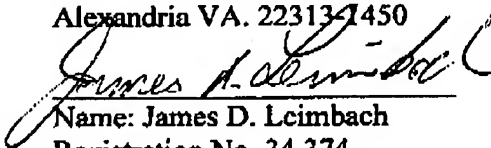
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Group Art Unit: 2152

Examiner:
Bunjod Jaroenchonwanit

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AMENDED APPEAL BRIEF UNDER 37 C.F.R. § 41.37(d)

Serial No. 09/821,176

Real party in interest

The real party of interest is the Assignee who is U. S. Philips Corporation, a corporation existing under the laws of the State of Delaware (hereinafter Appellant).

Related appeals and interferences

There are no related appeals or interferences to the present application that are known to appellants, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of the Claims

Claims 1-20 are finally rejected and are the claims that are being appealed. Claims 1-20 are drawn to a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, including: a master control device comprising an embedded web server, peer interface module, and host software; a plurality of linked devices that communicate with and that are controlled by the embedded web server. The plurality of linked devices each have an interface with a network separate from the internet that communicates with the peer interface module of the master control device to be controlled by the embedded web server. A user operated web browser that communicates with the master control device in order to access the plurality of linked devices, wherein the user operated web browser controls the plurality of linked devices through the master control device and the user operated web browser receives data directly from selected linked devices.

A copy of appealed claims 1-20 is contained in Appendix III following this brief.

Status of the Amendments After Final

A response was filed subsequent to the final rejection to overcome the examiner's rejection of claims 1-20 under 35 U.S.C. §103(a). The Examiner in an Advisory Action dated August 17, 2006 indicated that the rejections of claims 1-20 under U.S.C. §103(a) stand.

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Summary of the Claimed Subject Matter

The appealed claims define subject matter for a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices.

Appealed claim 1 defines subject matter that allows a user from a single device to access multiple devices. Appealed claim 1 defines subject matter for a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, having a master control device as described in the specification as originally submitted on page 5, line 23-page 6, line 9 and as indicated in the Figure as DVR 0 (Master); including an embedded web server indicated in the Figure as DVR Embedded Web Server 12, peer interface module indicated in the Figure as DVR Peer Interface Module 14, and host software 19; indicated in the Figure as DVR Host Software 19; as described in the specification on page 6, lines 17-24.

Appealed claim 1 further defines subject matter for a plurality of linked devices (shown in the Figure as DVR 1, DVR 2... DVR N) that communicate with, and that are controlled by, the embedded web server 12 of the master control device as described in the specification on page 5, line 23-page 6, line 9, the plurality of linked devices each include an interface (shown in the Figure as peer interface modules 15, 16, 17) with a network separate from the internet (as described in the specification on page 6, lines 17-24) that communicates with the peer interface module 14 of the master control device DVR 0 to be controlled by the embedded web server 12 as described in the specification on page 6, lines 1-4.

Appealed claim 1 further defines subject matter for means for providing a user operated web browser 18 (as discussed on page 7, lines 1-3 of the specification as originally filed) for communicating with the master control device DVR 0 in order to access the plurality of linked devices (DVR 1, DVR 2... DVR N), wherein the user operated web browser 18 controls the plurality of linked devices (DVR 1, DVR 2... DVR N) through the master control device DVR 0 (as described in the specification on page 7, line 13-page 8, line 10) and the user operated web browser 18 receives data directly from the plurality of linked devices that have been selected (shown in the Figure as video stream 26 and described in the specification on page 7, lines 21-24).

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Appealed claim 6 defines subject matter for the peer distributed, embedded web server system for accessing and controlling a multiplicity of devices according to appealed claim 5, wherein said web browser provides HTTP commands 25 to the master control device DVR 0 for receiving a video stream from at least one of said predetermined EWS devices in said EWS system (as described in the specification on page 7, line 13-page 8, line 10).

Appealed claim 7 defines subject matter that allows a user from a single device to access multiple devices. Appealed claim 7 defines subject matter for an embedded web server system 10 as shown in the Figure for accessing and controlling a multiplicity of devices, including: a master control device DVR 0 having an embedded web server 12 as described in the specification on page 5, line 23-page 6, line 9, peer interface means 14 and host software 19 as described in the specification on page 6, lines 17-24.

Appealed claim 7 further defines subject matter for a plurality of linked devices (shown in the Figure as DVR 1, DVR 2... DVR N) that communicate with the embedded web server 12 via a network separate from the internet as described in the specification on page 6, lines 17-24 and that are controlled by said embedded web server 12 of said master control device as described in the specification on page 5, line 23-page 6, line 9, the plurality of linked devices each comprising an interface 15, 16, 17 that communicates with the peer interface means 14 of the master control device to be controlled by the embedded web server 12.

Appealed claim 7 further defines subject matter for means for providing a user operated web browser 18 (as discussed on page 7, lines 1-3 of the specification as originally filed) for communicating with the master control device DVR 0 in order to access the plurality of linked devices DVR 1, DVR 2... DVR N (as described in the specification on page 7, line 13-page 8, line 10).

Appealed claim 7 further defines subject matter for at least one camera (shown in the Figure as 20) operatively connected to the master control device DVR 0, and at least one camera (shown in the Figure as 21, 22, and 23) operatively connected to each of said plurality of linked devices DVR 1, DVR 2... DVR N, wherein the cameras 20, 21, 22, 23 are controlled by the user operated web browser 18 through said master control device DVR 0 and the user operated web browser 12 receives images directly from any of said cameras that have been selected (shown in the Figure as video stream 26 and described in the specification on page 7, lines 21-24).

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Appealed claim 8 defines subject matter for the embedded web server system for accessing and controlling a multiplicity of devices according to appealed claim 7, wherein said peer interface means 14 of the master control device DVR 0 has an addressing capability for communicating individually with each of the interfaces 15, 16, 17 of the plurality of linked devices DVR 1, DVR 2... DVR N.

Appealed claim 12 defines subject matter that allows a user from a single device to access multiple devices. Appealed claim 12 defines subject matter for a distributed system 10 for accessing and controlling a multiplicity of devices, including: a master control device DVR 0 as described in the specification on page 5, line 23-page 6, line 9, with a peer interface 14 having an embedded web server and host software 19 as shown in the Figure and described in the specification on page 6, lines 17-24; a plurality of linked devices (shown in the Figure as DVR 1, DVR 2... DVR N) that communicate via a network separate from the internet as described in the specification on page 6, lines 17-24; and that are controlled by the embedded web server 12 of the master control device DVR 0, the plurality of linked devices DVR 1, DVR 2... DVR N each comprising an interface that communicates with the peer interface module 14 of the master control device DVR 0 allowing control of each linked device DVR 1, DVR 2... DVR N by the embedded web server 12 through interface 14.

Appealed claim 12 further defines a web browser 18 configured to access the master control device DVR 0 to allow the web browser 18 to control the plurality of linked devices DVR 1, DVR 2... DVR N through the master control device DVR 0 and directly receive data from each of said plurality of linked devices (shown in the Figure as video stream 26 and described in the specification on page 7, lines 21-24).

Grounds of Rejection to be Reviewed on Appeal

The Advisory Action dated August 17, 2006 indicated that the rejections to claim 1-20 stand. Claims 1 through 20 are the appealed claims. Appealed claims 1-20 are rejected under the provisions of 35 U.S.C. §103(a) has been obvious over U.S. Patent No. 6,182,116 issued to Namma et al. (hereinafter referred to as *Namma et al.*) in view U.S. Patent No. 6,281,790 issued to Kimmel et al. (hereinafter referred to as *Kimmel et al.*).

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The rejection asserts that *Namma et al.* disclose a remote monitoring system that allows a user to send commands to linked device and receive data from the devices. The position taken by the rejection is that while *Namma et al.* do not disclose a linked interface separate from the internet, *Kimmel et al.* teach using both wired and wireless LAN embodiments in connecting devices, and that it would have been obvious for a person of ordinary skill in the art to combine the teachings of *Namma et al.* and *Kimmel et al.* to create the subject matter defined by the appealed claims.

Argument

I. The rejection of appealed claims 1-20 under the provisions of 35 U.S.C. §103 (a) as being obvious over *Namma et al.* (U.S. Patent No. 6,182,116) in view of *Kimmel et al.* (U.S. Patent No. 6,281,790)

A. The rejection under 35 U.S.C. S 103(a)

Appealed claims 1-20 stand rejected under the provisions of 35 U.S.C. §103 (a) as being obvious over *Namma et al.* (U.S. Patent No. 6,182,116) in view of *Kimmel et al.* (U.S. Patent No. 6,281,790). The examiner's position as expressed in the Final Office Action mailed June 22, 2006 is that *Namma et al.* disclose a remote monitoring system that allows a user to send commands to linked device and receive data from the devices but that *Namma et al.* do not disclose a linked interface separate from the internet. The examiner's position is that *Kimmel et al.* teach both wired and wireless LAN embodiments in connecting devices, and that it would have been obvious for a person of ordinary skill in the art to combine the teachings of *Namma et al.* and *Kimmel et al.* to create the subject matter defined by appealed claims 1-20.

The MPEP at §2143 states that to "establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference

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(or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

The MPEP at §2143.01 states that if "the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)."

The MPEP at §2111.01 states that the words of a claim must be given their plain meaning unless they are defined in the specification. The MPEP at §2111.01 further states that plain meaning refers to the ordinary and customary meaning that term would have to a person of ordinary skill in the art in question at the time of the invention, *i.e.*, as of the effective filing date of the patent application." *Sunrace Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003). The MPEP at §2111.01 further states that an "applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994)."

B. The references

Namma et al. (U.S. Patent No. 6,182,116) pertains to a virtual web server that enables a single display to display data for a plurality of files obtained from respective servers and to send commands to the servers (see Title). The invention of *Namma et al.* relates to inter-server cooperation utilizing HTTP protocol (see col. 1, lines 11-15. The teaching of *Namma et al.* is to enable information obtained from WWW servers to be displayed on a single display (see col. 3, lines 46-48). *Namma et al.* teach a virtual WWW server that connects via the internet to at least one WWW browser and a plurality of WWW servers (see col. 14, lines 16-22). *Namma et al.* consistently teach to

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control the supplying of video data from video cameras and do not teach controlling the linked devices themselves (see col. 7, lines 25-27; col. 7, line 64-col. 8, line 8; and col. 9, lines 8-13 and lines 52-65). It should be noted that *Namma et al.* do not make any disclosure or suggestion towards controlling the linked devices.

Kimmel et al. (U.S. Patent No. 6,281,790) teach a method and apparatus for remotely monitoring a site (see Title). *Kimmel et al.* more specifically teach to monitor a remote site by providing real time transmission outputs from sensors that detect intrusion (see col. 1, line 65-col. 2, line 5). *Kimmel et al.* teach numerous embodiments that allow for the viewing of sensors. *Kimmel et al.* at col. 1, line 65-col. 2, line 5 state that a remote site can be monitored to distinguish between real and false alarms and that intruders or fires can be accurately located. While *Kimmel et al.* may teach using both wired and wireless LAN embodiments to connect devices, there is no disclosure or suggestion within *Kimmel et al.* for any functionality towards controlling the sensors that are monitored. The principle of operation taught by *Kimmel et al.* is to monitor the sensors, not to control the sensors.

C. The differences between the invention and the references

Appealed claim 1

Appealed claim 9 defines subject matter for a distributed peer interface network. The peer-to-peer communications as defined by the specification to the present invention on page 2, lines 1-7 as being abstracted by the embedded web-server. *Namma et al.* teach a virtual WWW server that connects via the internet to at least one WWW browser and a plurality of WWW servers (see col. 14, lines 16-22). A peer distributed network is defined by the specification of the present invention on page 1, lines 20-26 as extending a system to allow a server via a single browser to access many devices. Each device has a server that is not necessarily an embedded web-server. The appellant, respectfully, asserts that *Namma et al.* do not teach a distributed peer interface network. *Namma et al.* teach a virtual WWW server that connects via the internet to at least one WWW browser and a plurality of WWW servers (see col. 14, lines 16-22).

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A peer-to-peer network, as well known to those of ordinary skill within the art, does not behave as a network of clients or servers. The network taught by *Kimmel et al.* is a network of clients or servers and not in any way manner or form a distributed peer interface network. The performance of peer-to-peer networks is much superior to a network of clients or servers. The distributed peer network differs from the client-server model in which communication takes place to and from a central server. The specification to the present application for invention defines the peer-to-peer communication as being abstracted by the embedded web-server and achieved by any protocol, such as TCP/IP.

Although *Namma et al.* may teach a virtual WWW server that connects via the internet to a plurality of WWW servers and a browser, *Namma et al.* do not disclose or suggest anything that is equivalent to a peer distributed network or to a peer interface module as defined by the appealed claims. The entire disclosure of *Namma et al.* relates to communications using Hypertext Transport Protocol (HTTP) which is exactly the protocol that peer networks seek to avoid. Any network comprised of clients and servers that relies solely on HTTP to communicate, such as that taught by *Namma et al.*, will observe internet traffic congestion as more and more peripherals are added to the network that must be handled by the central server. The rejection simply makes a cursory statement that a peer distributed network, and peer interface module are taught by the combination of *Namma et al.* with *Kimmel et al.*

The appellant, respectfully, points out that neither *Namma et al.* nor *Kimmel et al.* disclose or suggest any form of a peer-to-peer network, peer distributed network, or peer interface module. In fact, the terminology peer-to-peer network, peer distributed network, or peer interface module do not appear in either of *Namma et al.* or *Kimmel et al.* Therefore, all the elements for the subject matter defined by the rejected claims is not found in the combination made by the rejection. Accordingly a *prima facie* case of obviousness has not been made by the rejection.

In *Namma et al.*, the central server is the virtual WWW server apparatus 1 that must multiplex that information from Web Servers 2, 3. The network of clients and servers as taught by *Namma et al.* is not a distributed peer interface network and does not teach or suggest peer interface modules.

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Additionally, the teaching of *Namma et al.* does not make any disclosure or suggestion towards controlling the linked devices. *Namma et al.* consistently teach to control the supplying of video data from video cameras and provide no teaching related to controlling the linked devices themselves (see col. 7, lines 25-27; col. 7, line 64-col. 8, line 8; and col. 9, lines 8-13 and lines 52-65). Again, it is readily apparent that all the elements of the appeal claim 9 are not found in the combination made by the rejection.

Kimmel et al. teach remotely monitoring a site. Specifically, *Kimmel et al.* teach numerous embodiments that allow for the viewing of sensors. The rejection cites col. 1, line 65-col. 2, line 5 of *Kimmel et al.* which states that a remote site can be monitored to distinguish between real and false alarms and that intruders or fires can be accurately located. Therefore, while *Kimmel et al.* may teach using both wired and wireless LAN embodiments to connect devices, there is no disclosure or suggestion within *Kimmel et al.* for any functionality towards controlling the sensors that are monitored. The principle of operation taught by *Kimmel et al.* is to monitor the sensors, not to control the sensors. Note that all the elements of the appealed claim 9 are not found in the combination made by the rejection.

The proposed modification or combination of *Namma et al.* with *Kimmel et al.* would require that the principle of operation as taught by *Kimmel et al.* be altered from one that monitors sensors to one that controls sensors. Therefore, the teachings of *Namma et al.* and *Kimmel et al.* are not sufficient to render the claims *prima facie* obvious.

The appellant further asserts that no reasonable expectation of success exist for the combination made by the rejection that is found within *Namma et al.* or *Kimmel et al.* The combination made by the rejection does not provide any insight as to making a system that controls sensor over P2P network. Accordingly a *prima facie* case of obviousness has not been made by the rejection.

The rejection to appealed claim 1 alleges that the teachings of *Namma et al.* and *Kimmel et al.* disclose a peer distributed, embedded web server system accessing and controlling a multiplicity of devices as defined by appealed claim 1. The examiner's position is that Fig. 9, item 91 of *Namma et al.* disclose a master control device comprising an embedded web server, peer interface module, and host software and a

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plurality of linked devices comprising an interface that communicate with the peer interface module of the master control device controlled by the embedded web server in Fig. 9 as items 21 and 31. The appellant, respectfully, disagrees. There is no peer interface module disclosed or suggested within *Namma et al.* The appellant, respectfully, points out that *Namma et al.* clearly teach communications that takes place through the use of World Wide Web (WWW) servers and browsers (see *Namma et al.* col. 21, line 9-col. 22, line 22) to transfer HTML files via http communication. Communication through WWW servers and browsers to transfer HTML files via http communications is not equivalent to communication through peer to peer interface modules. To sustain a rejection based on obviousness, all the elements must be disclosed or suggested.

Furthermore, *Namma et al.* is not intended to operate in the manner suggested by the modification made in the rejection. *Namma et al.* teach to control the supplying of video data from video cameras and provide no teaching related to controlling the linked devices themselves. The proposed modification of *Namma et al.* made in the rejection (or combination with *Kimmel et al.*) requires that the principle of operation taught by *Namma et al.* be altered from one that supplies video data from video cameras to a principle of operation that controls the linked devices themselves. Therefore, the teachings of *Namma et al.* and *Kimmel et al.* are not sufficient to render the claims *prima facie* obvious.

Additionally, the teaching of *Namma et al.* does not make any disclosure or suggestion towards controlling the linked devices. *Namma et al.* consistently teach to control the supplying of video data from video cameras and provides no teaching related to controlling the linked devices themselves (see col. 7, lines 25-27; col. 7, line 64-col. 8, line 8; col. 9, lines 8-13 and lines 52-65; and col. 21, lines 24-30). Again, it is readily apparent that all the elements of the rejection claims are not found in the combination made by the rejection.

Kimmel et al. teach using both wired and wireless networks to monitor sensors but make no disclosure or suggestion towards controlling the sensors that are being monitored. The principle of operation taught by *Kimmel et al.* is to monitor the sensors, not to control the sensors. The proposed modification or combination of *Namma et al.* with *Kimmel et al.* does not provide the required elements of controlling as

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taught by appealed claim 1. Therefore, the combination does not included all the elements defined by appealed claims 1, and accordingly, does not make

Furthermore, the combination made by the rejection requires that the principle of operation as taught by *Kimmel et al.* and *Namma et al.* be altered from one that monitors sensors to one that controls sensors. Therefore, the teachings of *Namma et al.* and *Kimmel et al.* are not sufficient to render the claims *prima facie* obvious.

The examiner contents that the combination of *Namma et al.* and *Kimmel et al.* teaches peer interface modules. The appellant, respectfully, points out that peer to peer file transfer does not involve the use of clients and servers as taught by the system of *Namma et al.* Neither do *Kimmel et al.* teach any use of peer interface modules or P2P networks. Peer to peer transfer employs nodes that simultaneously function as both clients and servers with other nodes on the network. A peer to peer network is not disclosed or suggested in the combination made by the rejection. Therefore, the rejection does not make a *prima facie* obvious.

Appealed claim 2

Regarding appealed claim 2, the rejection asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, wherein said peer interface module of said master control device has an addressing capability for communicating individually with each of the interface modules of said plurality of linked devices. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of a peer distributed embedded web server system as defined by appealed claim 1 wherein the peer interface module of said master control device has an addressing capability for communicating individually with each of the interface modules of said plurality of linked devices.

Appealed claim 3

Regarding appealed claim 3, the rejection asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices,

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including a digital video recorder, digital video encoder, and network camera. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of a peer distributed embedded web server system as defined by appealed claim 1, wherein said master control device and said plurality of linked devices each comprises a device from the group of digital video recorder, digital video encoder, and network camera.

Appealed claim 4

Regarding appealed claim 4, the rejection asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, wherein each digital video recorder is operatively connected to at least one camera. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of a peer distributed embedded web server system as defined by appealed claim 3, wherein each digital video recorder is operatively connected to at least one camera.

Appealed claim 5

Regarding appealed claim 5, the rejection asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, wherein said master control device and said linked devices are each operatively connected to at least one camera. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of a peer distributed embedded web server system as defined by appealed claim 1, wherein said master control device and said linked devices are each operatively connected to at least one camera.

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Appealed claim 6

Regarding appealed claims 6, the rejection asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, wherein said web browser provides HTTP commands to said master control device for receiving a video stream from at least one of said predetermined EWS devices in said EWS system. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of a peer distributed embedded web server system as defined by appealed claim 5, wherein said web browser provides HTTP commands to said master control device for receiving a video stream from at least one of said predetermined EWS devices in said EWS system.

Appealed claim 7

Appealed claim 7 defines subject matter for an embedded web server system for accessing and controlling a multiplicity of devices via a distributed peer interface network. The peer-to-peer communications as defined by the specification to the present invention on page 2, lines 1-7 as being abstracted by the embedded web-server. The appellant, respectfully, asserts that *Namma et al.* do not teach a distributed peer interface network. *Namma et al.* teach a virtual WWW server that connects via the internet to at least one WWW browser and a plurality of WWW servers (see col. 14, lines 16-22). A peer distributed network is defined by the specification of the present invention on page 1, lines 20-26 as extending a system to allow a server via a single browser to access many devices. Each device has a server that is not necessarily an embedded web-server. The appellant, respectfully, asserts that *Namma et al.* do not teach a distributed peer interface network. *Namma et al.* teach a virtual WWW server that connects via the internet to at least one WWW browser and a plurality of WWW servers (see col. 14, lines 16-22).

A peer-to-peer network, as well known to those of ordinary skill within the art, does not behave as a network of clients or servers. The network taught by *Kimmel et al.* is a network of clients or servers and not in any way manner or form a

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distributed peer interface network. The performance of peer-to-peer networks is much superior to a network of clients or servers. The distributed peer network differs from the client-server model in which communication takes place to and from a central server. The specification to the present application for invention defines the peer-to-peer communication as being abstracted by the embedded web-server and achieved by any protocol, such as TCP/IP.

Although *Namma et al.* may teach a virtual WWW server that connects via the internet to a plurality of WWW servers and a browser, *Namma et al.* do not disclose or suggest anything that is equivalent to a peer distributed network or to a peer interface module as defined by the appealed claims. The entire disclosure of *Namma et al.* relates to communications using Hypertext Transport Protocol (HTTP) which is exactly the protocol that peer networks seek to avoid. Any network comprised of clients and servers that relies solely on HTTP to communicate, such as that taught by *Namma et al.*, will observe internet traffic congestion as more and more peripherals are added to the network that must be handled by the central server. The rejection simply makes a cursory statement that a peer distributed network, and peer interface module are taught by the combination of *Namma et al.* with *Kimmel et al.*

Neither *Namma et al.* nor *Kimmel et al.* disclose or suggest any form of a peer-to-peer network, peer distributed network, or peer interface module. In fact, the terminology peer-to-peer network, peer distributed network, or peer interface module do not appear in either of *Namma et al.* or *Kimmel et al.* The appellant respectfully notes that all the elements defined by the appealed claim 7 are not found in the combination made by the rejection. Accordingly a *prima facie* case of obviousness has not been made by the rejection.

In *Namma et al.*, the central server is the virtual WWW server apparatus 1 that must multiplex that information from Web Servers 2, 3. The network of clients and servers as taught by *Namma et al.* is not a distributed peer interface network and does not teach or suggest peer interface modules.

Additionally, the teaching of *Namma et al.* does not make any disclosure or suggestion towards controlling the linked devices. *Namma et al.* consistently teach to control the supplying of video data from video cameras and provide no teaching related

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to controlling the linked devices themselves (see col. 7, lines 25-27; col. 7, line 64-col. 8, line 8; and col. 9, lines 8-13 and lines 52-65). Note that all the elements of appealed claim 7 are not found in the combination made by the rejection.

Kimmel et al. teach remotely monitoring a site. Specifically, *Kimmel et al.* teach numerous embodiments that allow for the viewing of sensors. The rejection cites col. 1, line 65-col. 2, line 5 of *Kimmel et al.* which states that a remote site can be monitored to distinguish between real and false alarms and that intruders or fires can be accurately located. Therefore, while *Kimmel et al.* may teach using both wired and wireless LAN embodiments to connect devices, there is no disclosure or suggestion within *Kimmel et al.* for any functionality towards controlling the sensors that are monitored. The principle of operation taught by *Kimmel et al.* is to monitor the sensors, not to control the sensors.

The proposed modification or combination of *Namma et al.* with *Kimmel et al.* would require that the principle of operation as taught by *Kimmel et al.* be altered from one that monitors sensors to one that controls sensors. Therefore, the teachings of *Namma et al.* and *Kimmel et al.* are not sufficient to render the claims *prima facie* obvious.

There appellant further asserts that there is no reasonable expectation of success for the combination made by the rejection that is found within *Namma et al.* or *Kimmel et al.* Accordingly a *prima facie* case of obviousness has not been made by the rejection.

Namma et al. and *Kimmel et al.*, either alone or in combination, do not disclose or suggest the subject matter of an embedded web server system for accessing and controlling a multiplicity of devices, comprising; an embedded web server, peer interface means and host software; a plurality of linked devices that communicate via a network separate from the internet, and that are controlled by said embedded web server of said master control device, said plurality of linked devices each comprising an interface that communicates with the peer interface means of said master control device to be controlled by said embedded web server; means for providing a user operated web browser for communicating with said master control device in order to access said plurality of linked devices; and at least one camera operatively connected to said master control device, and at least one camera operatively connected to each of said plurality of

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linked devices wherein said cameras are controlled by said user operated web browser through said master control device and said user operated web browser receives images directly from any of said cameras that have been selected.

The rejection alleges that the teachings of *Namma et al.* and *Kimmel et al.* disclose a peer distributed, embedded web server system accessing and controlling a multiplicity of devices as defined by appealed claim 1. The examiner's position is that Fig. 9, item 91 of *Namma et al.* disclose a master control device comprising an embedded web server, peer interface module, and host software and a plurality of linked devices comprising an interface that communicate with the peer interface module of the master control device controlled by the embedded web server in Fig. 9 as items 21 and 31. The appellant, respectfully, disagrees. There is no peer interface module disclosed or suggested within *Namma et al.* The appellant, respectfully, points out that *Namma et al.* clearly teach communications that takes place through the use of World Wide Web (WWW) servers and browsers (see *Namma et al.* col. 21, line 9-col. 22, line 22) to transfer HTML files via http communication. Communication through WWW servers and browsers to transfer HTML files via http communications is not equivalent to communication through peer to peer interface modules. To sustain a rejection based on obviousness all the elements must be disclosed or suggested in the combination made in the rejection. The rejection to appealed claim 7 does not disclose or suggest all the elements defined by appealed claim 7.

Furthermore, *Namma et al.* is not intended to operate in the manner suggested by the modification made in the rejection. *Namma et al.* teach to control the supplying of video data from video cameras and provide no teaching related to controlling the linked devices themselves. The proposed modification of *Namma et al.* made in the rejection (or combination with *Kimmel et al.*) requires that the principle of operation taught by *Namma et al.* be altered from one that supplies video data from video cameras to a principle of operation that controls the linked devices themselves. Therefore, the teachings of *Namma et al.* and *Kimmel et al.* are not sufficient to render the claims *prima facie* obvious.

Additionally, the teaching of *Namma et al.* does not make any disclosure or suggestion towards controlling the linked devices. *Namma et al.* consistently teach to control the supplying of video data from video cameras and provides no teaching related to controlling the linked devices themselves (see col. 7, lines 25-27; col. 7, line 64-col. 8, line 8; col. 9, lines 8-13

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and lines 52-65; and col. 21, lines 24-30). Again, it is readily apparent that all the elements of the rejection claims are not found in the combination made by the rejection.

Kimmel et al. teach using both wired and wireless networks to monitor sensors but make no disclosure or suggestion for controlling the sensors that are monitored. The principle of operation taught by *Kimmel et al.* is to monitor the sensors, not to control the sensors. The proposed modification or combination of *Namma et al.* with *Kimmel et al.* requires that the principle of operation as taught by *Kimmel et al.* be altered from one that monitors sensors to one that controls sensors. Therefore, the teachings of *Namma et al.* and *Kimmel et al.* are not sufficient to render the claims *prima facie* obvious.

The examiner contends that the combination of *Namma et al.* and *Kimmel et al.* teaches peer interface modules. The appellant, respectfully, points out that peer to peer file transfer does not involve the use of clients and servers as taught by the system of *Namma et al.* Neither do *Kimmel et al.* teach any use of peer interface modules or P2P networks. Peer to peer transfer employs nodes that simultaneously function as both clients and servers with other nodes on the network.

Appealed claim 8

Regarding appealed claim 8, the rejection asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, wherein said peer interface module of said master control device has an addressing capability for communicating individually with each of the interface modules of said plurality of linked devices. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 7, wherein said peer interface means of said master control device has an addressing capability for communicating individually with each of the interfaces of said plurality of linked devices.

Appealed claim 9

Regarding appealed claim 9, the examiner asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices,

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including a digital video recorder, digital video encoder, and network camera. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 7, wherein said master control device and said plurality of linked devices each comprises a digital video recorder.

Appealed claim 10

Regarding appealed claims 10 the rejection asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, wherein each digital video recorder is operatively connected to at least one camera. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 7, wherein said master control device is operatively connected to each of said at least one cameras of said linked devices.

Appealed claim 11

Regarding appealed claim 11, the rejection asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, wherein said web browser provides HTTP commands to said master control device for receiving a video stream from at least one of said predetermined EWS devices in said EWS system. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 10, wherein said web browser provides HTTP commands to said master control device for receiving a video stream from at least one of said predetermined devices in said EWS system.

Appealed claim 12

Appealed claim 12 defines a distributed system for accessing and controlling a multiplicity of devices, comprising: a master control device comprising a peer interface having

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an embedded web server and host software; a plurality of linked devices that communicate via a network separate from the internet, and that are controlled by, said embedded web server of said master control device, said plurality of linked devices each comprising an interface that communicates with the peer interface module of said master control device allowing control of each said linked device by said embedded web server through said interface; and a web browser configured to access the master control device and allow the web browser to control said plurality of linked devices through the master control device and directly receive data from each of said plurality of linked devices.

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of a distributed system for accessing and controlling a multiplicity of devices, comprising: a master control device comprising a peer interface having an embedded web server and host software; a plurality of linked devices that communicate via a network separate from the internet, and that are controlled by, said embedded web server of said master control device, said plurality of linked devices each comprising an interface that communicates with the peer interface module of said master control device allowing control of each said linked device by said embedded web server through said interface; and a web browser configured to access the master control device and allow the web browser to control said plurality of linked devices through the master control device and directly receive data from each of said plurality of linked devices.

Regarding Appealed claim 12, the rejection alleges that the teachings of *Namma et al.* and *Kimmel et al.* disclose a peer distributed, embedded web server system accessing and controlling a multiplicity of devices as defined by appealed claim 12. The examiner's position is that Fig. 9, item 91 of *Namma et al.* disclose a master control device comprising an embedded web server, peer interface module, and host software and a plurality of linked devices comprising an interface that communicate with the peer interface module of the master control device controlled by the embedded web server in Fig. 9 as items 21 and 31. The appellant, respectfully, disagrees. There is no peer interface module disclosed or suggested within *Namma et al.* The appellant, respectfully, points out that *Namma et al.* clearly teach communications that takes place through the use of World Wide Web (WWW) servers and browsers (see *Namma et al.* col. 21, line 9-col. 22, line 22) to transfer HTML files via http communication. Communication through

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WWW servers and browsers to transfer HTML files via http communications is not equivalent to communication through peer to peer interface modules. To sustain a rejection based on obviousness, all the elements must be disclosed or suggested.

Furthermore, *Namma et al.* is not intended to operate in the manner suggested by the modification made in the rejection. *Namma et al.* teach to control the supplying of video data from video cameras and provide no teaching related to controlling the linked devices themselves. The proposed modification of *Namma et al.* made in the rejection (or combination with *Kimmel et al.*) requires that the principle of operation taught by *Namma et al.* be altered from one that supplies video data from video cameras to a principle of operation that controls the linked devices themselves. Therefore, the teachings of *Namma et al.* and *Kimmel et al.* are not sufficient to render the claims *prima facie* obvious.

Additionally, the teaching of *Namma et al.* does not make any disclosure or suggestion towards controlling the linked devices. *Namma et al.* consistently teach to control the supplying of video data from video cameras and provides no teaching related to controlling the linked devices themselves (see col. 7, lines 25-27; col. 7, line 64-col. 8, line 8; col. 9, lines 8-13 and lines 52-65; and col. 21, lines 24-30). Again, it is readily apparent that all the elements of the rejection claims are not found in the combination made by the rejection.

Kimmel et al. teach using both wired and wireless networks to monitor sensors; however, there is no disclosure or suggestion within *Kimmel et al.* for controlling the sensors that are monitored. The principle of operation taught by *Kimmel et al.* is to monitor the sensors, not to control the sensors. The proposed modification or combination of *Namma et al.* with *Kimmel et al.* requires that the principle of operation as taught by *Kimmel et al.* be altered from one that monitors sensors to one that controls sensors. Therefore, the teachings of *Namma et al.* and *Kimmel et al.* are not sufficient to render the claims *prima facie* obvious.

The examiner contends that the combination of *Namma et al.* and *Kimmel et al.* teaches peer interface modules. The appellant, respectfully, points out that peer to peer file transfer does not involve the use of clients and servers as taught by the system of *Namma et al.* Neither do *Kimmel et al.* teach any use of peer interface modules or P2P

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networks. Peer to peer transfer employs nodes that simultaneously function as both clients and servers with other nodes on the network.

Appealed claim 13

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 12, wherein said peer interface module of said master control device has an addressing capability for communicating individually with each of the interface modules of said plurality of linked devices.

Appealed claim 14

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 12, wherein said master control device and said plurality of linked devices each comprises a device from the group of digital video recorder, digital video encoder, and network camera.

Appealed claim 15

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 14, wherein each digital video recorder is operatively connected to at least one camera.

Appealed claim 16

Regarding claim 16, the rejection asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, wherein said master control device and said linked devices are each operatively connected to at least one camera. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 12, wherein said master control device and said linked devices are each operatively connected to at least one camera.

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Appealed claim 17

Regarding appealed 17, the rejection asserts that *Namma et al.* teach a peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, wherein said web browser provides HTTP commands to said master control device for receiving a video stream from at least one of said predetermined EWS devices in said EWS system. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 16, wherein said web browser provides HTTP commands to said master control device for receiving a video stream from at least one of said predetermined EWS devices in said EWS system.

Appealed claim 18

Regarding Claim 18, the Examiner asserts that *Namma et al.* teach distributed server system for accessing and controlling a multiplicity of devices in accordance with Claim 12, further comprising a viewer within web browser that allows each of said linked devices to be viewed by said master control device. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.*

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 12, further comprising a viewer within web browser that allows each of said linked devices to be viewed by said master control device.

Appealed claim 19

Regarding appealed claim 19, the Examiner asserts that *Namma et al.* teach distributed server system for accessing and controlling a multiplicity of devices in accordance with appealed claim 18, further comprising a web page within said web browser allows incorporation at least one additional of said linked devices into the distributed server system. As previously discussed there is no disclosure or suggestion of any type of P2P network within *Namma et al.* Therefore, this rejection is traversed.

There is no disclosure or suggestion within the combination of *Namma et al.* and *Kimmel et al.* for the subject matter of appealed claim 18, further comprising a web page within

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said web browser allows incorporation at least one additional of said linked devices into the distributed server system.

Appealed claim 20

Appealed claim 20 defines subject matter for the distributed server system for accessing and controlling a multiplicity of devices in accordance with appealed claim 19, wherein said web page provides address entry of said at least one additional of said linked devices and incorporation of said at least one additional of said linked into said viewer.

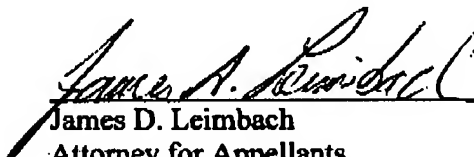
There is no disclosure or suggestion within the combination of *Numma et al.* and *Kimmel et al.* for the subject matter of appealed claim 19, wherein said web page provides address entry of said at least one additional of said linked devices and incorporation of said at least one additional of said linked into said viewer.

Conclusion

In summary, the examiner's rejections of the claims are believed to be in error for the reasons explained above. The rejections of each of claims 1-20 should be reversed.

The Commissioner is authorized to charge fees associated with the filing of this brief to Account No. 50-3745 including any underpayments, excluding the payment of any issue fees, and to credit any overpayments to the same account.

Respectfully submitted,


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APPENDIX I. Evidence on Appeal

"None"

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APPENDIX II. Related Proceedings

"None"

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APPENDIX III. Claims on Appeal

1. A peer distributed, embedded web server system for accessing and controlling a multiplicity of devices, comprising:

a master control device comprising an embedded web server, peer interface module, and host software;

a plurality of linked devices that communicate with, and that are controlled by, said embedded web server of said master control device, said plurality of linked devices each comprising an interface with a network separate from the internet that communicates with the peer interface module of said master control device to be controlled by said embedded web server; and

means for providing a user operated web browser for communicating with said master control device in order to access said plurality of linked devices, wherein said user operated web browser controls said plurality of linked devices through said master control device and said user operated web browser receives data directly from said plurality of linked devices that have been selected.

2. The peer distributed, embedded web server system for accessing and controlling a multiplicity of devices in accordance with Claim 1, wherein said peer interface module of said master control device has an addressing capability for communicating individually with each of the interface modules of said plurality of linked devices.

3. The peer distributed, embedded web server system for accessing and controlling a multiplicity of devices in accordance with Claim 1, wherein said master control device and said plurality of linked devices each comprises a device from the group of digital video recorder, digital video encoder, and network camera.

4. The peer distributed, embedded web server system for accessing and controlling a multiplicity of devices in accordance with Claim 3, wherein each digital video recorder is operatively connected to at least one camera.

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5. The peer distributed, embedded web server system for accessing and controlling a multiplicity of devices in accordance with Claim 1, wherein said master control device and said linked devices are each operatively connected to at least one camera.

6. The peer distributed, embedded web server system for accessing and controlling a multiplicity of devices in accordance with Claim 5, wherein said web browser provides HTTP commands to said master control device for receiving a video stream from at least one of said predetermined EWS devices in said EWS system.

7. An embedded web server system for accessing and controlling a multiplicity of devices, comprising:

a master control device comprising an embedded web server, peer interface means and host software;

a plurality of linked devices that communicate via a network separate from the internet, and that are controlled by, said embedded web server of said master control device, said plurality of linked devices each comprising an interface that communicates with the peer interface means of said master control device to be controlled by said embedded web server;

means for providing a user operated web browser for communicating with said master control device in order to access said plurality of linked devices; and

at least one camera operatively connected to said master control device, and at least one camera operatively connected to each of said plurality of linked devices wherein said cameras are controlled by said user operated web browser through said master control device and said user operated web browser receives images directly from any of said cameras that have been selected.

8. The embedded web server system for accessing and controlling a multiplicity of devices in accordance with Claim 7, wherein said peer interface means of said master control device has an addressing capability for communicating individually with each of the interfaces of said plurality of linked devices.

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9. The embedded web server system for accessing and controlling a multiplicity of devices in accordance with Claim 7, wherein said master control device and said plurality of linked devices each comprises a digital video recorder.

10. The embedded web server system for accessing and controlling a multiplicity of devices in accordance with Claim 7, wherein said master control device is operatively connected to each of said at least one cameras of said linked devices.

11. The embedded web server system for accessing and controlling a multiplicity of devices in accordance with Claim 10, wherein said web browser provides HTTP commands to said master control device for receiving a video stream from at least one of said predetermined devices in said EWS system.

12. A distributed system for accessing and controlling a multiplicity of devices, comprising:
a master control device comprising a peer interface having an embedded web server and host software;

a plurality of linked devices that communicate via a network separate from the internet, and that are controlled by, said embedded web server of said master control device, said plurality of linked devices each comprising an interface that communicates with the peer interface module of said master control device allowing control of each said linked device by said embedded web server through said interface; and

a web browser configured to access the master control device and allow the web browser to control said plurality of linked devices through the master control device and directly receive data from each of said plurality of linked devices.

13. The distributed system for accessing and controlling a multiplicity of devices in accordance with Claim 12, wherein said peer interface module of said master control device has an addressing capability for communicating individually with each of the interface modules of said plurality of linked devices.

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14. The distributed system for accessing and controlling a multiplicity of devices in accordance with Claim 12, wherein said master control device and said plurality of linked devices each comprises a device from the group of digital video recorder, digital video encoder, and network camera.

15. The distributed system for accessing and controlling a multiplicity of devices in accordance with Claim 14, wherein each digital video recorder is operatively connected to at least one camera.

16. The distributed system for accessing and controlling a multiplicity of devices in accordance with Claim 12, wherein said master control device and said linked devices are each operatively connected to at least one camera.

17. The distributed system for accessing and controlling a multiplicity of devices in accordance with Claim 16, wherein said web browser provides HTTP commands to said master control device for receiving a video stream from at least one of said predetermined EWS devices in said EWS system.

18. The distributed server system for accessing and controlling a multiplicity of devices in accordance with Claim 12, further comprising a viewer within web browser that allows each of said linked devices to be viewed by said master control device.

19. The distributed server system for accessing and controlling a multiplicity of devices in accordance with Claim 18, further comprising a web page within said web browser allows incorporation at least one additional of said linked devices into the distributed server system.

20. The distributed server system for accessing and controlling a multiplicity of devices in accordance with Claim 19, wherein said web page provides address entry of said at least one additional of said linked devices and incorporation of said at least one additional of said linked into said viewer.

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